

Related Services

- Corporate
- Employment Compliance Law
- Litigation
- Real Estate
- Tax Compliance & Controversy

Real Estate Litigation

Harnessing the ingenuity and tenacity of the firm's award-winning national Real Estate and Litigation Groups, our litigators develop strategic approaches and solutions to address the wide range of real estate disputes confronting our clients.

A Leader In The Field

For nearly 145 years, clients have trusted Stroock to handle their most complex and important matters. We have guided many sophisticated deals and litigations for the nation's leading corporations and real estate organizations.

Our national litigation practice collaborates with our deep bench of real estate, financial services, financial restructuring, environmental and tax colleagues, drawing on the vast experience of the lawyers who structure and negotiate transactions, to protect our clients' interests.

Tenacious, Effective Advocates

We're tenacious. We're effective. We're advocates. Fortune 500 companies, financial institutions, insurance companies, joint venture partners, private equity funds, REITs, government entities, public agencies, landowners, brokers and some of the nation's largest real estate investors and developers as well as lenders rely on us to craft the strategies that help them achieve their desired outcomes.

The Stroock Advantage

Our national litigation practice works with our industry-recognized real estate group with extensive transactional, land use and environmental experience. This breadth of knowledge provides clients with a competitive edge and vital insight into the governing instruments under dispute, such as leases, purchase and sale agreements, partnership agreements and multifaceted financing documents to achieve the best results possible, whether in court, in arbitration or mediation, or at the negotiating table.

Whether a complex contract dispute, a breach of a purchase and sale agreement, a contentious lease issue or a loan default, our litigators achieve outstanding results. We also routinely represent clients successfully in matters involving unfair and deceptive trade practices, recovering secured or unsecured assets or restructuring of debt and equity.

Representative Work

Banks and Financial Institutions Disputes and Workouts

Leading global banks, real estate investment firms, REITs and other financial investors seek our counsel for their most complex, highly contentious disputes. Most recently we have:

- Following a one-month trial, successfully obtained judgment on behalf of a leading real estate investment firm in a complex real estate dispute against a significant Los Angeles-based developer related to the sale of a hotel. The judgment was affirmed on appeal; attorneys' fees were awarded to our client in the amount of almost \$2.5 million.
- Represented a European bank in connection with a deficiency claim against a global bank arising out of a default under a \$1.35 billion repurchase agreement and the litigation management of the resulting portfolio of more than 70 mortgages around the United States.
- Pursuing turnover claims on behalf of victims of Iranian terrorist activity against owners of 650 Fifth Avenue under theory that building is owned by a not-for-profit that knowingly provided services to the Government of Iran.
- Represented an international bank in a \$100 million foreclosure suit involving the coveted "Sarasota Quay" property.
- Represented prominent national banks in defending multiple class actions and individual lawsuits challenging residential foreclosure practices. We successfully defended or resolved all of these matters.

Brokers, Public Agencies and Trade Associations

We counsel real estate brokerage firms, multiple listing services, public agencies and trade associations in connection with general real estate disputes and antitrust issues involving the real estate industry as well as the business of real estate. Our team:

- Obtained a TRO on behalf of New York's largest real estate trade associations and major brokerage firms blocking enforcement of a Department of State interpretation of the recent Tenant Protection Act barring real estate brokers from receiving commissions from tenants while being retained by Landlords.
- Represented prominent South Florida commercial real estate brokers in commission claims against joint venture developers who together conspired to deprive them of a multimillion-dollar commission.
- Defended various real estate brokerage firms in connection with an investigation conducted by the Department of Justice concerning issues relating to Section 1 of the Sherman Act.
- Represented a public agency in a \$3.5 billion arbitration brought by a private developer alleging breach of development agreement.
- Defending a real estate trade association and numerous of its constituent members in an antitrust action involving allegations regarding the suppression of competition in the listings technology marketplace.

COVID-19 Relief

Since the beginning of the pandemic, clients have relied on Stroock for insight, guidance and counsel, particularly relating to lending and leasing relief in the current environment. Among other efforts, our team recently:

- Advised a business with more than 800 U.S. locations deemed "essential" with respect to temporary withholding of rent to preserve cash in the earliest days of the crisis, while negotiating out-of-court settlements with various landlords pending the business's receipt of a

new credit line, permitting it to continue operations and get current on its rental obligations while making up prior shortfalls in payment.

- Negotiated an exit from a lease in a blighted area that was no longer economically viable, providing advice to the client as to possible government claims pertaining to fire damage.
- Represented scores of landlords and tenants in reaching lease accommodations because of the impact of the pandemic.

Developers

We represent a large number of real property owners and developers, across major markets nationwide, in all aspects of dispute resolution. Our group has:

- Advised a developer of multifamily housing as to strategies to minimize the risk of the government's seizure of a newly completed development for use by homeless COVID-19 patients, and to maximize the available compensation if the government seizure attempt were to succeed.
- Represented a Fortune 100 institutional developer of a high-end condo/hotel in Maui, Hawaii, in a 10-day trial against claims of fraud, unfair and deceptive trade practices, negligence and breach of contract that resulted in a complete defense verdict.
- Represented a major developer in litigation over entitlement to deposit from a failed deal to purchase a Washington, D.C. office building for \$122 million.

Government Real Estate Contract Disputes

Stroock's real estate litigation team has significant experience at the intersection of real property and government procurement law. Leading organizations working under public contracts with a real estate nexus rely on our unique knowledge for both pre-award and post-award counseling as well as dispute resolution. On behalf of these clients, we:

- Obtained summary judgment from the U.S. Civilian Board of Contract Appeals in a matter challenging an unlawful setoff against rental income due to the landlord for office space in Arlington, Virginia, taken by the U.S. General Services Administration for allegedly improper tax reimbursements made by GSA several years earlier.
- Recovered more than \$800,000 on a Request for Equitable Adjustment and related negotiations in 2020 arising out of a holdover on two U.S. GSA companion leases in Washington, D.C., which includes government payment of holdover rent, increased construction costs caused by the holdover, real estate tax reimbursements, and REA preparation costs.
- Obtained dismissal of a GAO bid protest in 2020 brought by a disappointed bidder challenging the contract award by the Bonneville Power Administration establishing a strategic alliance with a single qualified facilities management firm.